



Journal of the House

State of Indiana

113th General Assembly

First Regular Session

First Meeting Day

Tuesday Morning

November 19, 2002

The members-elect of the House of Representatives of the General Assembly of the State of Indiana assembled in the House Chambers in the State House in the City of Indianapolis on Tuesday, the nineteenth day of November, 2002, A.D., at 10:30 a.m., being the day fixed by law, IC 2-2.1-1-2, for the convening of the first regular session of the General Assembly, viz:

“The first regular session of each term of the general assembly shall convene on the third Tuesday after the first Monday of November of each even-numbered year to do the following:

- (1) Organize itself.
- (2) Elect its officers.
- (3) Receive the oath of office.”

The House was called to order by The Honorable Sue Anne Gilroy, Secretary of State.

The invocation was offered by Representative-elect Vernon G. Smith. The Pledge of Allegiance to the Flag was led by Representative-elect Robert J. Bischoff. Judith Montgomery of Shoals, a guest of Representative-elect Jerry L. Denbo led the members in singing “God Bless America”.

The Secretary of State made the following statements concerning election contests and recounts:

“A petition for recount and contest; a petition for recount; and a petition for contest, for three members of the House of Representatives have been filed with the State Recount Commission, for which I serve as Chair. Indiana statute requires that the recounts be completed before December 20 of this year. The result of those recounts shall be forwarded to this body so that you may preside over the proper seating of your members.

The Indiana Constitution states that: each House when assembled, shall choose its own officers, the President of the Senate excepted; judge the elections, qualification, and returns of its own members; determine its rules of proceeding, and sit upon its own adjournment.

Therefore I present, pursuant to the Constitution and applicable statutes, those individuals certified to my office by the 92 county clerks as having been elected to the House of Representatives, subject to any further action as the House of Representatives may deem proper pursuant to the Constitution of the State of Indiana.”

ROLL CALL OF MEMBERS

The roll was called and the following members-elect answered to their names:

R. Tiny Adams, District 34, Delaware County
John C. Aguilera, District 12, Lake County
Robert K. Alderman, District 83, Allen, Noble, and Whitley Counties
Terri Jo Austin, District 36, Hamilton and Madison Counties
Dennis T. Avery, District 75, Gibson, Vanderburgh, and Warrick Counties
Ralph D. Ayres, District 4, Jasper, Lake, and Porter Counties
Jeb A. Bardon, District 25, Marion County
B. Patrick Bauer, District 6, St. Joseph County
Vaneta G. Becker, District 78, Spencer, Vanderburgh, and Warrick Counties

Robert W. Behning, District 91, Hendricks, Marion, and Morgan Counties

Robert J. Bischoff, District 68, Dearborn, Franklin, Ohio, Ripley, and Switzerland Counties

Randy L. Borrer, District 84, Allen County

Brian C. Bosma, District 88, Hamilton and Marion Counties

James L. Bottorff, District 71, Clark County

Charlie Brown, District 3, Lake and Porter Counties

Timothy N. Brown, District 41, Montgomery, Parke, and Tippecanoe Counties

James R. Buck, District 38, Boone, Clinton, Hamilton, and Howard Counties

Mary Kay Budak, District 20, Jasper, LaPorte, Porter, and Pulaski Counties

Lawrence L. Buell, District 89, Marion County

Charles “Woody” Burton, District 58, Johnson County

Duane Cheney, District 10, Porter County

Robert W. Cherry, District 53, Hancock, Rush, and Shelby Counties

Alan B. Chowning, District 45, Daviess, Greene, Knox, Sullivan, and Vigo Counties

William C. Cochran, District 72, Clark and Floyd Counties

William A. Crawford, District 98, Marion County

David L. Crooks, District 63, Daviess, Dubois, Martin, and Pike Counties

John J. Day, District 100, Marion County

Jerry L. Denbo, District 62, Greene, Lawrence, Martin, Orange, and Washington Counties

Mae Dickinson, District 95, Marion County

Chester F. Dobis, District 13, Lake County

Cleo R. Duncan, District 67, Decatur, Franklin, Ripley, and Rush Counties

M. Ryan Dvorak, District 8, St. Joseph County

Jeffrey K. Espich, District 82, Allen, Grant, and Wells Counties

Ralph M. Foley, District 47, Hendricks, Johnson, Morgan, and Owen Counties

John G. Frenz, District 64, Daviess, Gibson, Knox, and Pike Counties

William C. Friend, District 23, Elkhart, Fulton, Kosciusko, Marshall, and Miami Counties

David N. Frizzell, District 93, Johnson and Marion Counties

Craig R. Fry, District 5, Elkhart and St. Joseph Counties

Benjamin E. GiaQuinta, District 80, Allen County

Terry A. Goodin, District 66, Clark, Jackson, Jennings, and Scott Counties

F. Dale Grubb, District 42, Fountain, Parke, Vermillion, Vigo, and Warren Counties

Earl L. Harris, District 2, Lake County

Brian K. Hasler, District 77, Vanderburgh and Warrick Counties

Steven Heim, District 17, LaPorte, Marshall, and Starke Counties

Ronald D. Herrell, District 30, Howard County
 Phillip D. Hinkle, District 92, Marion County
 Robert A. Hoffman, District 55, Dearborn, Fayette, Franklin, Union, and Wayne Counties
 Clyde Kersey, District 43, Clay and Vigo Counties
 Sheila A. Klinker, District 27, Tippecanoe County
 Eric A. Koch, District 65, Bartholomew, Brown, Jackson, and Lawrence Counties
 Thomas S. Kromkowski, District 7, St. Joseph County
 Dennis K. Kruse, District 51, Dekalb and Steuben Counties
 Robert D. Kuzman, District 19, Lake, Newton, and Porter Counties
 R. Brooks LaPlante, District 46, Clay, Monroe, Owen, and Vigo Counties
 Linda C. Lawson, District 1, Lake County
 Don Lehe, District 15, Benton, Lake, Newton, and White Counties
 Daniel J. Leonard, District 50, Huntington and Whitley Counties
 Ronald D. Liggett, District 33, Delaware, Jay, and Randolph Counties
 L. Jack Lutz, District 35, Delaware, Hamilton, Madison, and Tipton Counties
 Markt L. Lytle, District 69, Jefferson, Jennings, and Ripley Counties
 Edmund M. Mahern, District 97, Marion County
 Richard W. Mangus, District 21, Elkhart and St. Joseph Counties
 Carolene Mays, District 94, Marion County
 Richard W. McClain, District 24, Carroll, Cass, Miami, and White Counties
 Winfield C. Moses, Jr., District 81, Allen County
 Timothy Neese, District 48, Elkhart and St. Joseph Counties
 Cynthia J. Noe, District 87, Boone, Hamilton, and Marion Counties
 David Orentlicher, District 86, Hamilton and Marion Counties
 Dennie Oxley II, District 73, Clark, Crawford, Dubois, Harrison, Jackson, Perry, Scott, and Washington Counties
 Scott D. Pelath, District 9, LaPorte County
 Phillip Pflum, District 56, Henry and Wayne Counties
 Matt Pierce, District 61, Monroe County
 Phyllis J. Pond, District 85, Allen and Dekalb Counties
 Gregory W. Porter, District 96, Marion County
 Scott E. Reske, District 37, Madison County
 Kathy Kreag Richardson, District 29, Hamilton and Hancock Counties
 Michael A. Ripley, District 79, Adams, Allen, and Wells Counties
 Paul J. Robertson, District 70, Clark, Floyd, and Harrison Counties
 William J. Ruppel, District 22, Kosciusko and Wabash Counties
 Thomas E. Saunders, District 54, Henry, Randolph, and Wayne Counties
 Sue W. Scholer, District 26, Tippecanoe and Warren Counties
 Michael D. Smith, District 16, Cass, Fulton, Jasper, Pulaski, and White Counties
 Vernon G. Smith, District 14, Lake County
 Dan C. Stevenson, District 11, Lake County
 Russell L. Stilwell, District 74, Dubois, Perry, Spencer, and Warrick Counties
 Roland Stine, District 57, Bartholomew and Shelby Counties
 Marlin A. Stutzman, District 52, Dekalb, LaGrange and Noble Counties

Vanessa Summers, District 99, Marion County
 Andrew P. Thomas, District 44, Clay, Parke, Putnam, and Vigo Counties
 Jeffrey A. Thompson, District 28, Boone, Hendricks, and Montgomery Counties
 Gerald R. Torr, District 39, Hamilton County
 P. Eric Turner, District 32, Grant, Hamilton, Howard, Miami, and Tipton Counties
 John D. Ulmer, District 49, Elkhart County
 Jonathan D. Weinzapfel, District 76, Gibson, Posey, and Vanderburgh Counties
 Peggy Welch, District 60, Brown, Greene, and Monroe Counties
 Matthew D. Whetstone, District 40, Hendricks County
 David A. Wolkins, District 18, Elkhart, Kosciusko, and LaGrange Counties
 Dean A. Young, District 31, Blackford and Grant Counties
 David B. Yount, District 59, Bartholomew and Johnson Counties
 Roll Call 1: 99 present. Michael B. Murphy, District 90, Marion County was excused. The Secretary of State announced a quorum in attendance.

OATH OF OFFICE OF MEMBERS

The members-elect rose and were administered the oath of office by The Honorable Randall T. Shepard, Chief Justice of the Supreme Court of the State of Indiana, which oath is as follows:

“I do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Indiana, and that I will faithfully and impartially discharge my duties as a member of the House of Representatives of the General Assembly of the State of Indiana to the best of my skill and ability, so help me God.”

ORGANIZATION OF THE HOUSE

The Secretary of State called for nominations for Speaker of the House. Representative Harris placed in nomination for Speaker of the House the name of Representative B. Patrick Bauer. Representative Kuzman seconded the nomination.

HOUSE MOTION

Madam Secretary of State: I move that the nominations for Speaker be closed and that Representative B. Patrick Bauer be elected Speaker of the House of Representatives for the 113th General Assembly by acclamation.

BOSMA

Motion prevailed. The Secretary of State declared Representative B. Patrick Bauer elected Speaker of the House of Representative for the 113th General Assembly by acclamation.

HOUSE MOTION

Madam Secretary of State: I move that a committee of eight members be appointed by the Secretary of State to escort the Speaker-elect to the rostrum.

STILWELL

Motion prevailed. The Secretary of State appointed Representatives Bischoff, Kromkowski, Pelath, Oxley, Klinker, Harris, M. Smith, and Kruse.

The Speaker-elect was escorted to the rostrum. The oath of office was administered by Justice Frank Sullivan, Associate Justice of the Supreme Court of the State of Indiana, which oath is as follows:

“I, B. Patrick Bauer, do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Indiana, and that I will faithfully and impartially discharge my duties as Speaker of the House of Representatives of the General Assembly

of the State of Indiana to the best of my skill and ability, so help me God.”

Upon assuming his office, the Speaker addressed the House with the following remarks:

OPENING REMARKS BY SPEAKER B. PATRICK BAUER

“Thank you, members of the House of Representatives. You picked a *fine* time to make me Speaker.

But, we are going to work together. Because as Brian Bosma, Representative Bosma, and I have been talking in the last couple weeks, we have discovered that “*We are family*”, my brother Brian and me.

Actually, we are second generation family. My father was a state senator, Burnie Bauer, and one of his closest friends was Representative Bosma’s father, Senator Charles Bosma. As a matter of fact, in my dad’s office for years and years, there was a big picture of the two of them conferring over in the Senate.

I think that you never know what’s going to happen in this world. I think it’s a great thing that together, Democrats and Republicans, with the help of our forefathers—or our two fathers, we may be able to come together and go through what I believe will be the toughest budget session in Indiana history.

I blame no one. I don’t blame the President of the United States, the Governor of the State of Indiana, no one. Our economy in this country is cyclical, and we just got hit by the “cycle”. At this important time, people say what are you going to do? What can you do? Whatever we do, we have to do it together. The people of the State of Indiana made sure of that. One party can’t do it alone; it has to be both together. We must move forward.

There are ideas that have been there before in history. Work projects, you can call them, when we went through the tough depression years. But you know, the governor of Florida—of the other party—has put together work projects. He’s doing bonding and building and putting people to work. The people in those jobs pay income tax and sales tax. I think we need to do that in Indiana and start today.

We can debate how we fill the rest of the gap. If you look through the history of the other recessions we have gone through, we have suspended, we have delayed until the sun shone again. That’s a consideration. There is another consideration which I won’t mention. But, I hope that we work together to avoid going through the difficult task we just completed earlier this year.

I have my family here—my wonderful wife, Karen. If she married me, I can’t be all that bad. My son Bart and his friend Jill; Maureen and Megan, my daughters; my sister Theresa.

I want you to know that when I first came here with my good friend Chet 32 years ago, I don’t think either one of us thought we’d be here this long. There was a great speaker up here, Doc Bowen. He treated us well. We were freshmen, and we were in the minority. But his door was open, and he talked to us. He counseled us.

I hope to be that kind of Speaker for **all** the members of this General Assembly. My door is open, and I want to talk. I want to help, and I want your help, too. Thank you everybody.”

HOUSE MOTION

Mr. Speaker: I move that the House now proceed to nominate and elect a Principal Clerk for the 113th General Assembly.

DOBIS

Motion prevailed.

The Speaker recognized Representative Dobis, who nominated Diane Masariu Carter as Principal Clerk of the House. Representative C. Brown seconded the nomination.

HOUSE MOTION

Mr. Speaker: I move that the nominations be closed and that Diane Masariu Carter be elected Principal Clerk of the House of Representatives for the 113th General Assembly.

BOSMA

Motion prevailed. The Speaker declared Diane Masariu Carter elected Principal Clerk of the House of Representatives.

The oath of office was administered by the Speaker, which oath is as follows:

“I, Diane Masariu Carter, do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Indiana, and that I will faithfully and impartially discharge the duties of my office to the best of my skill and ability, so help me God.”

HOUSE MOTION

Mr. Speaker: I move that the Standing Rules and Orders as shown in Exhibit A which is attached hereto and made a part hereof be hereby adopted as the Standing Rules and Orders for the government of the House of Representatives of the 113th Indiana General Assembly until otherwise ordered, and that a committee of this House be appointed by the Speaker, who, together with the Speaker, shall constitute the Committee on Rules and Legislative Procedures and whose duty it shall be to report to the House any changes in or additions to the Rules thereof, which, in its discretion, may be necessary or desirable.

STILWELL

EXHIBIT A RULES OF THE HOUSE OF REPRESENTATIVES ONE HUNDRED THIRTEENTH GENERAL ASSEMBLY OF INDIANA

PART I. DEFINITIONS

1. Definitions. As used in these rules:

“author” means the member who introduces a House bill or resolution and whose name appears first on the bill.

“bill” includes bills and joint resolutions but does not include concurrent or house resolutions.

“chamber” means the room, including the galleries, in which the House holds its legislative sessions.

“clerk” means Principal Clerk.

“coauthor” means a member who joins with the author and whose name appears after the name of the author.

“concurrent resolution” means a non-joint resolution that must be presented to both houses of the General Assembly for adoption.

“constitutional majority” means a majority of all the members elected to the House. (Constitution, Article 4, Section 25.)

“cosponsor” means a member who joins with the sponsor and whose name appears after the name of the sponsor.

“floor” means the main floor of the chamber.

“galleries” means the areas within the chamber that have been provided for members of the public to observe the sessions of the House.

“hall” means the chamber together with all rooms and hallways adjacent to the chamber.

“house resolution” means a resolution that is not to be presented to the Senate for adoption.

“joint resolution” means a resolution that must meet the same requirements for adoption as a bill.

“journal” means the Journal of the House.

“majority” means a majority of the members present and voting.

“meeting day” means a day when the House convenes in session.

“member” means an individual duly elected to the House.

“member’s desk” means the desk within the chamber assigned to a member or the chamber bin located adjacent to the chamber, assigned to a member.

“sponsor” means the member who sponsors in the House a bill or resolution which originated in the Senate and whose name appears first on the bill.

PART II. CONDUCT OF BUSINESS

2. Time of Convening. The House shall be convened on the first meeting day of each regular or special session at 10:00 a.m. and at 1:30 p.m. on each meeting day thereafter, unless otherwise provided by motion adopted by a constitutional majority.

2.1. Deadlines. Whenever a deadline date is specified in these rules, and that date falls on a Saturday, Sunday, or legal holiday, that deadline date is extended to the next day that is not a Saturday, Sunday, or legal holiday.

2.2. Meeting Day Limitation. The House may not convene for more than fifty-five (55) calendar days during the first regular session of the General Assembly, or for more than twenty-nine (29) calendar days during the second regular session of the General Assembly.

3. Quorum. Two-thirds of the members of the House constitute a quorum to do business. (Constitution, Article 4, Section 11.)

4. Power of Less Than a Quorum to Compel Attendance. Seven (7) members with the Speaker or Speaker Pro Tempore, or eight (8) members in the absence of the Speaker and Speaker Pro Tempore, one of whom they shall elect acting Speaker, may call the House to order, compel the attendance of absent members, make an order for their fine and censure and adjourn from day to day until a quorum is in attendance.

5. Votes Necessary for Action.

5.1 For the final passage of bills, motions to concur with Senate amendments, or the adoption of conference committee reports, approval by a constitutional majority is required.

5.2 In all other cases, approval by a majority is required, except as provided in Rules 8, 24, 83, 108 and 149.

6. Organizational Meeting.

6.1 The first item of business, in the first regular session, shall be election of officers.

6.2 Other items of business for the organizational meeting shall include the adoption of rules and joint rules.

7. Effect of the Rules. These rules shall govern the House for the term of the General Assembly. (Constitution, Article 4, Section 10.)

8. Changing the Rules. Any rule may be rescinded, changed or suspended without previous notice, and a motion for such purpose is in order at any time, except after a vote on the question has been ordered. Such a motion has precedence over all other business. The motion must be seconded by a constitutional majority and must be carried by two-thirds vote of the members of the House, except as provided in Rules 147, 148 and 160. However, the rescission, change or suspension of any rule recommended by the Committee on Rules and Legislative Procedures may be adopted by a constitutional majority of the House.

9. Parliamentary Authority. Concerning all questions not provided for by these rules, Jefferson’s Manual shall be regarded as a parliamentary guide of the House and the rules and precedents of the House of Representatives of the United States shall be followed.

10. Order of Business—Usual. The order of business shall be as follows:

- 10.1 Calling the House to order.
- 10.2 Prayer.
- 10.3 Pledge of Allegiance.
- 10.4 Roll call.
- 10.5 Reports from committees.
 - (a) Standing committees.
 - (b) Select committees.
 - (c) Conference committees.

10.6 Introduction of resolutions and bills.

10.7 Business on the Speaker’s table.

(a) Executive and other communications.

(b) Bills and resolutions from the Senate on first reading.

(1) Reference to committee; or

(2) Placed on file in order of receipt.

(c) Bills of the House and Senate on second reading.

(d) Bills of the House and Senate on third reading.

10.8 Reading of the Journal, or so much thereof as shall be called for, shall occur upon motion duly adopted by a majority.

11. Order of Business—Discretionary. Notwithstanding Rule 10, the following items of business may be considered at any time at the discretion of the Speaker:

11.1 Messages from the Senate.

11.2 Action on Senate amendments to House bills.

11.3 Action on reports of conference committees (subject to Rules 160 and 161).

12. Order of Business—Suspension. The order of business may be suspended with the consent of a majority.

13. Effect of Adjournment Sine Die. Every bill or resolution which is pending at the adjournment sine die of any session of the General Assembly shall be deemed to have failed and shall not be transferred to any subsequent session, special session or technical session.

14. Persons Authorized Within the Hall. Only the following persons may be admitted within the hall of the House without the consent of the Speaker:

14.1 members, officers, or employees of the General Assembly;

14.2 members of the executive or judicial branches;

14.3 accredited members of the news media;

14.4 employees of the Legislative Services Agency; or

14.5 members of the public seated in the galleries.

15. Persons Authorized on Speaker’s Stand. No person shall enter upon the Speaker’s stand or stand upon the steps leading thereto without an invitation from the Speaker.

PART III. OFFICERS, EMPLOYEES, AND JOURNAL

A. SELECTION OF OFFICERS

16. Officers. The officers of the House shall be:

16.1 Speaker.

16.2 Principal Clerk.

17. Term of Office. Each officer of the House shall continue in office for the term of the General Assembly unless removed, suspended or unable to serve.

18. Oath. The Speaker and Principal Clerk shall, before entering upon the discharge of their duties, take an oath to support the Constitution of the United States and the State of Indiana and to faithfully and impartially discharge their duties.

B. POWERS AND DUTIES OF THE SPEAKER

19. Call to Order. The Speaker shall call the House to order every meeting day at the hour fixed pursuant to Rule 2.

20. Direction of the Hall.

20.1 The Speaker shall have general direction of the hall.

20.2 The Speaker shall preserve order and decorum.

20.3 In case of any disturbance or disorderly conduct in the hall, the Speaker may order it to be cleared.

21. Speaker Pro Tempore. The Speaker may appoint one of the members of the House as Speaker Pro Tempore, who shall hold office at the pleasure of the Speaker, and who shall exercise all the powers and carry out all the duties of the Speaker in the absence of the Speaker, and who shall carry out such other duties as may be assigned by the Speaker.

22. Acting Speakers. The Speaker, or the Speaker Pro Tempore in the absence of the Speaker, may name any member to perform the duties of the Chair, but such substitution shall not extend beyond one

day.

23. Appointment of Committees. The Speaker shall appoint all committees and committee chairs unless otherwise specifically directed by a constitutional majority.

24. Questions of Order.

24.1 The Speaker shall decide questions of order, subject to an appeal to the House by any two members. Such an appeal shall be in writing, signed by the members taking the appeal, and shall clearly state the point of order decided by the Chair. No member may speak more than once on an appeal, unless by consent of a majority of the House. No appeal from the decision of the Chair shall prevail except by a constitutional majority. The decisions of the Chair shall be inserted in the Journal.

24.2 The Speaker may speak to points of order in preference to other members, rising from his seat for that purpose.

25. Stating Motions. When a motion is made and seconded, it shall be stated by the Speaker or being in writing, read aloud by the reading clerk.

26. Questions—Form and Vote. Questions shall be put substantially in this form: "The question is on _____ as many as are in favor vote 'aye,'" and after the affirmative vote is expressed, "as many as are opposed 'no.'" If the Speaker is uncertain of the result of a voice vote, he may order a roll call or, upon request of any two members, he shall grant a roll call.

27. Voting. The Speaker is not required to vote in ordinary legislative proceedings. But when the House is equally divided on a question, he shall give the deciding vote; when his vote would make an equal division, he shall vote upon the call of any member.

28. Signature. The Speaker shall sign all enrolled acts, enrolled joint resolutions, warrants, and subpoenas of or issued by order of the House.

C. DUTIES OF OTHER OFFICERS AND EMPLOYEES

29. Clerk—List of Bills Filed. The Clerk shall weekly, prior to the reconvening of the General Assembly, and daily during a session prepare a list of the bills filed. The list shall contain the number, title and author of each bill and shall be delivered to the Speaker for committee referral of each bill.

30. Clerk—Receipt for Enrolled Acts. As custodian of the enrolled acts, the Clerk shall require a receipt upon surrendering possession of an enrolled act.

31. Clerk—Disposition of Bills After Session.

31.1 After each session, the Clerk shall transmit to the State Archives all original and engrossed House bills and resolutions. The State Archives will provide for the preservation of such bills and resolutions.

31.2 The Clerk shall retain the receipt books of the transmittal of enrolled acts and joint resolutions to the Governor and such bookkeeping records as are appropriate. At the end of the term of office, unless re-elected, the Clerk shall transmit to the Legislative Services Agency all such receipt books and bookkeeping records from each session during the term. The Legislative Services Agency shall provide for the preservation of such records and books for future use.

32. Clerk—Messages from the Senate. When messages, bills, and resolutions are received from the Senate they shall be delivered in writing to the Speaker.

33. Doorkeepers.

33.1 It is the duty of the Doorkeepers to attend to the House during its sessions, to maintain order in the hall, to execute all process issued by the authority of the House and directed to them by the Speaker and in all things to execute the commands of the Speaker of the House.

33.2 It is the duty of the Doorkeepers upon the authority of the Speaker to clear the hall of unauthorized persons from 30 minutes before the time for convening until 30 minutes after adjournment.

D. HOUSE JOURNAL

34. Requirement. A Journal of the proceedings of the House shall be kept and published. (Constitution, Article 4, Section 12.)

35. Contents.

35.1 The title of every bill introduced shall be recorded in the Journal.

35.2 All joint resolutions amending the Constitution of the State shall be published in full in the Journal.

35.3 All motions, resolutions, reports, petitions, decisions of the Chair, and amendments to bills or other matters shall appear of record in a manner approved by the Speaker.

PART IV. RIGHTS AND DUTIES OF MEMBERS

A. GENERALLY

36. Attendance. No member shall absent himself from the service of the House unless he is excused by the Speaker, is sick or is unable to attend.

37. Presentation of Petitions and Memorials.

37.1 Members having petitions, memorials, concurrent or house resolutions to present may hand them to the Speaker, endorsing them with their names. Petitions, memorials, concurrent or house resolutions, and the reference or disposition of them, shall be entered on the Journal and may be referred by the Speaker to the appropriate committees. If any petition, memorial, concurrent or house resolution is presented which in the judgment of the Speaker is not respectful, temperate and free from offensive imputations upon the character or conduct of the General Assembly or other constituted authority, it shall be returned to the member from whom it was received.

37.2 When a paper is first presented to the House, it is a matter of right of any member to have it read before the House votes upon it. If the paper has been once read or the reading dispensed with and the reading is again requested and objected to, it shall be determined by a vote of the House.

38. Protest. Any member of the House has the right to protest, and to have that protest, with the reasons for dissent, entered on the Journal. (Constitution, Article 4, Section 26.)

B. CONCERNING DEBATE

39. Decorum. While the Chair is putting any question or addressing the House, no member shall walk out of or across the House; when a member is speaking or delivering any matter to the House, no other member shall pass between that member and the Chair.

40. Recognition to Speak.

40.1 Any member desiring to speak in debate or to deliver any matter to the House, shall rise and respectfully address "Mr. Speaker," but shall not proceed until recognized by the Speaker.

40.2 When two or more members rise at once, the Speaker shall name the member who is first to speak.

41. Contents of Comments. Comments shall be confined to the question under consideration, shall avoid personality, and shall not impeach the motive of any member's vote or argument.

42. Frequency of Speaking. No member may speak more than twice on the same question without the consent of the House, nor more than once until every member choosing to speak has spoken.

43. Breaches of Order.

43.1 If a member transgress the rules of the House, the Speaker or any other member may call the offender to order, in which case the member called to order shall immediately sit down, unless permitted to explain. The House shall, if appealed to, decide on the case, without debate, in accordance with Rule 24. If there is no appeal the decision of the Chair shall be submitted to. If the decision is in favor of the member called to order, he or she may

proceed; if the decision is not in favor of that member, he or she may not proceed if any member objects, without leave of the House. If the case requires it, a member may be liable to the censure of the House.

- 43.2 If a member is called to order for words spoken in debate, the person calling him or her to order shall repeat the words excepted to, and they shall be taken down in writing at the rostrum.
- 43.3 No member shall be held to answer or be subject to the censure of the House for any words spoken in debate if any other member has spoken or other business had intervened after the words were spoken and before exception to them has been taken.

C. CONCERNING VOTING

44. Right to Have Vote Counted. When the question is stated by the Speaker and the vote is on a call of the yeas and nays, all members within the House shall be counted.

- 44.1 Notwithstanding any rule or prior interpretation of these rules to the contrary, the Speaker shall, upon the request of any two (2) members prior to the call for a vote, regardless of the question under consideration, cause a permanent public written record of any vote to be made. This record shall include the date, subject matter under consideration, total number of members voting, the identity by name of members and whether they voted in favor, against or were excused from voting. This record shall be recorded in the House Journal and shall be made available to the public and news media. Violations of this rule shall be considered a violation of the public trust.

45. Duty to Vote. Every member who is on the floor of the House when the question is put shall vote, unless excused by the House for special reasons.

46. Excuse from Voting. All motions to excuse a member from voting shall be made before the House divides or before the call of the yeas and nays is commenced. No call of the yeas and nays shall be entertained on a motion to excuse a member from voting.

47. Conflict of Interest. Any member who is immediately and particularly interested in the result on any question shall ask to be excused and shall not vote on that question. Any member requesting to be excused from voting may make a brief statement of the reasons for making such request, and the question then shall be taken without further debate.

48. Refusal to Vote. The refusal to vote by a member who is present and has not been excused from voting is a high breach of decorum and subjects the person so offending to a fine, censure or such other penalty as the House may order.

49. Absent Members.

- 49.1 A member who is absent from the House without excuse may, by order of the members present, be sent for and taken into custody wherever found by the Doorkeeper or other person appointed for that purpose.
- 49.2 When a member is discharged from custody and admitted to the House, the remaining members shall determine whether a fine, censure or other penalty should be imposed. The House shall determine whether a delinquent member, taken into custody, shall pay the expenses incurred.

50. Voting for Another.

- 50.1 No member shall vote for another member. In addition to such penalties as may be prescribed by law, any member who votes or attempts to vote for another member may be punished in such manner as the House may determine.
- 50.2 No person not a member may cast a vote for a member. If a person not a member votes or attempts to vote for a member, that person shall be barred from the floor of the House for the remainder of the session and may be further punished in such manner as the House deems proper.

51. Voting After the Machine is Closed. No member may vote or change a vote after the Speaker announces that the machine is

closed for the recording of the vote.

PART V. STANDING COMMITTEES AND SUBCOMMITTEES

52. Standing Committees. The following shall be the standing committees:

Agriculture, Natural Resources and Rural Development
 Appointments and Claims
 Commerce and Economic Development
 Courts and Criminal Code
 Education
 Elections and Apportionment
 Environmental Affairs
 Financial Institutions
 Human Affairs
 Insurance, Corporations and Small Business
 Interstate and International Cooperation
 Judiciary
 Labor and Employment
 Local Government
 Public Health
 Public Policy, Ethics and Veterans Affairs
 Roads and Transportation
 Rules and Legislative Procedures
 Technology, Research and Development
 Ways and Means

53. Membership.

- 53.1 Except as otherwise provided, all standing committees shall consist of not less than three nor more than fifteen members, except at the discretion of the Speaker of the House.
- 53.2 The Committee on Ways and Means shall include at least one member from each congressional district and two members of the Budget Committee.
- 53.3 The Committee on Elections and Apportionment shall be composed of at least one member from each congressional district.

54. Proportional Representation. Insofar as feasible and practical, the membership of the standing committees shall be made proportionate to representation of parties in the House.

55. Appointment and Term. The standing committees shall be appointed by the Speaker not later than ten (10) days after the election of officers, and shall be recorded in the Journal. The members of the standing committees shall serve for the term of the General Assembly unless removed, suspended or unable to serve.

56. Duties. It is the duty of the several standing committees to examine into and report upon all matters that may be referred to them, either by bill or otherwise.

57. Time of Meeting. No committee may sit while the House is in session without the consent of the House.

58. Right of Authors and Sponsors. Any member of the House, having any petition, memorial, remonstrance, resolution, bill or other matter of which he is the author, coauthor, sponsor or cosponsor, may meet with and act as a member of the committee during the time the committee has such subject under consideration. He may participate in debate, but he may not make or second motions or vote unless he is a regular member of the committee.

59. Notice of Meetings.

- 59.1 Every member of the House shall be given written notice of all committee meetings. The notice shall also be posted and made available to the public. The notice shall include the date, time and place of the meeting and the number and author of each bill or resolution to be considered together with such information concerning the subject matter as the committee chair shall determine.
- 59.2 When the House is in a recess of more than three (3) days, the notice required to be given to members may be given by depositing a copy of the notice in the United States mail at least five (5) days before the meeting.

60. **Announcement of Meetings.** The chair of each committee shall have all committee and subcommittee meetings announced from the floor of the House. At such time the number of each bill to be considered at the meeting shall be announced. With the exception of hearings on the budget bills, such announcements shall be made for all committee meetings prior to adjournment on the meeting day next preceding the meeting; however, when the House is in a recess of three (3) or more days, such meetings need not be announced from the floor of the House.

61. **Open Meetings.** All standing committee and subcommittee meetings shall be open to the public, and citizens shall have the right to be heard. To the extent feasible, meetings will be held at times and places convenient to the public.

62. **Quorum.** A quorum consists of a majority of the committee members. No action may be taken without a quorum.

63. **Voting for Another.** No member of a committee may vote for another member, nor may any person not a member of the committee cast a vote for a member.

63.5. **Proxy Voting.** The chair of a committee may allow members of the committee to vote by proxy, provided that the chair of the committee has issued a written policy specifying under what circumstances and conditions proxy votes will be accepted and the proxy is voted in accordance with the committee policy on proxy voting.

64. **No Secret Ballot.** Voting by secret ballot is prohibited.

65. **Record of Voting.** When a final vote is taken on any bill or resolution under consideration by a committee or subcommittee the vote of each member shall be recorded and retained as part of the record of the meeting. Records of such votes shall be made available for examination by legislators, the news media and the public.

66. **Change of Vote.** No recorded vote of a member on any bill or resolution may be changed except upon adoption of a motion to do so during a committee session at which there is a quorum.

67. **Committee on Rules and Legislative Procedures—Duties.** If in checking printed bills and the daily Journal, the Committee on Rules and Legislative Procedures ascertains any error, including spelling or technical errors, the error shall be corrected under their direction. A record of such errors and the corrections shall be entered in the Journal.

68. **Committee on Rules and Legislative Procedures—Meetings.** It is in order for the Committee on Rules and Legislative Procedures to meet any time, and to report at any time when no question is before the House.

PART VI. VOTING PROCEDURE

69. **Voting Machine.** The voting machine may be used in voting on any question.

70. **When Voting Machine Not Operating.** In the event the voting machine is not operating, the names of the members shall be called alphabetically, the name of the Speaker being called last. After the roll has been gone through, the reading clerk shall first read over the names of those who have answered in the affirmative, and then the names of those who have answered in the negative, in order that, if any mistake has been made in noting the answer, or if any member has made a mistake in giving an answer, the mistake of either may be corrected.

71. **During the Vote.** After a vote on the question has been ordered, no debate and no motion, including a motion to adjourn, or a point of personal privilege, shall be in order until the vote is completed.

72. **Bringing the Question to a Vote.**

72.1 When the House is ready to vote upon any question requiring a roll call, the Speaker shall announce: "The question is on the passage (designating the matter to be voted upon). All in favor of such question shall vote 'aye;' all opposed shall vote 'no.' The House will now proceed to vote."

72.2 When sufficient time has been allowed the members to

vote, the Speaker shall announce: "Have all members voted?" and after a short pause the vote shall be tallied.

73. **Explanation of Vote.** The ordering of the previous question shall not prevent a member from explaining his or her vote after the vote is recorded; but no member, under this rule, shall be permitted more than one minute for that purpose.

74. **Announcing the Vote.** When the vote is tallied, the Speaker shall announce the result and the vote tally shall be recorded in the Journal.

75. **Change of Voting Records.** The roll call as recorded on the recording equipment shall not be altered or changed in any manner, by any person, except by a constitutional majority upon written petition setting forth the reasons for the change of the recorded vote. The petition and the action thereon shall be entered in the Journal.

76. **Voting Records.** At the same time the vote is recorded by the recording equipment, an original and not less than three duplicate roll call sheets shall be made showing the vote. One of the duplicates shall be for the use of the news media and one shall be furnished to the Legislative Services Agency.

PART VII. MOTIONS

77. **Absence of Quorum.** When less than a quorum is present no motion may be entertained, except to adjourn or compel the attendance of members.

78. **Form.** Every motion, except a motion for the previous question, or calling or excusing absentees, shall be in writing or reduced to writing immediately after introduction.

79. **Second.** When a motion is made it must be seconded before it may be debated after which it is in possession of the House; but, it may be withdrawn at any time before a decision or amendment.

80. **Germane.** No motion or proposition on a subject not germane to that under consideration shall be admitted under color of an amendment.

81. **Division of a Question.** Any member may call for the division of a question before or after the main question is ordered. The question shall be divided, if it contains propositions in substance so distinct that if one were taken away, a substantive proposition shall remain for the decision of the House. A motion to strike out and insert shall be deemed indivisible, but a motion to strike out being lost shall preclude neither amendment nor a motion to strike out and insert.

82. **Fix a Time of the Next Meeting.** A motion to fix a time to which the House shall adjourn is in order at any time, except as provided in Rule 71, and is debatable unless made while another question is pending, in which case it is undebatable.

83. **Suspend Rule Requiring Reading on Three Separate Meeting Days.** A motion to suspend the constitutional rule requiring a bill to be read on three separate meeting days must be carried by two-thirds vote of the members of the House. (Constitution, Article 4, Section 18.)

84. **Recommit.** After a bill has been reported to the House, it may be recommitted to the same or another committee with or without recommendation by a majority vote and shall be recommitted by the Speaker to the Committee on Ways and Means in accordance with Rule 127.

85. **Call Back to the House from Committee.** After a committee has had a bill under consideration for six meeting days (the day of its introduction not included), the author of the bill or any member of the House may call the bill back to the House on motion carried by a constitutional majority, either with or without recommendation, and when so returned shall be before the House for consideration the same as if it had been reported upon by the committee.

86. **Precedence of Motions When Question Under Debate.** When a question is under debate, only the following motions may be received:

1. to adjourn,
2. to lay on the table,

3. for the previous question,
4. to postpone to a day certain,
5. to postpone indefinitely,
6. to commit or recommit,
7. to strike out the enacting words, or
8. to amend.

These motions have precedence in the order that they are listed.

87. Adjourn. A motion to adjourn shall be decided without debate and is always in order, except as provided in Rule 71 or while another member is speaking.

88. Table. A motion to lay on the table is undebatable and is always in order, except as provided in Rule 71 or while another member is speaking.

89. Previous Question.

89.1 The previous question shall be in this form: "Shall the main question be now put?"

89.2 On the previous question there shall be no debate.

89.3 All incidental questions of order arising after a motion is made for the previous question, and pending such motion, shall be decided, whether on appeal or otherwise, without debate.

90. Postpone to a Day Certain or Commit. A motion to postpone to a meeting day certain or to commit, being decided, shall not again be allowed on the same day, at the same stage of the bill or proposition.

91. Strike Out the Enacting Words. A motion to strike out the enacting words of a bill, if carried, is equivalent to its rejection.

92. Precedence of Certain Motions. Motions to postpone to a meeting day certain, to commit or amend may be amended and have precedence in the order named in Rule 86.

93. Effect of Indefinite Postponement or Tabling. When a question is postponed indefinitely, or when a motion to reconsider has been laid upon the table, neither such question nor any bill, resolution, conference committee report or amendment on the same subject matter shall be considered again during the session. However, the indefinite postponement of or tabling of a motion to reconsider action on a House bill shall not prevent later consideration of or action upon a Senate bill on the same subject matter.

94. Reconsider—Tie Vote. In all cases of equal division the question is not lost and may be reconsidered upon motion by any member.

95. Reconsider.

95.1 When a question has been decided either in the affirmative or negative, except as provided in Rules 93 and 154, it is in order for any member having voted with the majority to move for the reconsideration thereof, on the same or the succeeding meeting day. The motion takes precedence over all other questions, except a motion to adjourn, and may not be withdrawn after that succeeding day without the consent of a majority.

95.2 When a motion is pending for the reconsideration of any question, any member of the House may call up the motion for the action of the House when it has been pending for twenty-four (24) hours. All such motions shall take precedence over all questions except a conference committee report or motion to adjourn; however, if such motion is made after April 14 of the first regular session or after March 7 of the second regular session, it shall be disposed of when made.

PART VIII. LEGISLATIVE PROCEDURE

A. FORM OF BILLS AND RESOLUTIONS

96. Digest. A brief digest stating the nature of the proposed bill shall be attached to each copy of the bill when filed for introduction.

97. Title. Every bill shall contain a title that expresses in concise terms the subject matter of the bill, in sufficient detail to acquaint the members of the House with the general subject matter under consideration.

98. Identification of Law to be Amended. Every amendatory bill shall identify the original act or code as last amended, and the sections amended shall be set forth and published at full length. The identification required by this rule shall be made by citation reference.

99. Emphasize Amendments.

99.1 When a bill proposes to amend the Constitution, or any statute or section thereof, the author shall indicate the new matter by use of bold face type; if any matter has been deleted, the deleted material shall be set out in cancelled type.

99.2 Capitalization, organization or punctuation changes made solely for the purpose of uniform style need not be indicated.

100. Form. Every bill or resolution of the House shall be written on full sheets of paper. All bills and resolutions shall be typewritten or printed, having no handwritten interlining or defacements of any kind.

101. Original and Copies.

101.1 There shall be one original of each bill prepared for filing, together with such copies as the Speaker shall from time to time determine. The Clerk shall distribute the copies to such persons as the Speaker shall designate with a view towards improving the legislative process and encouraging public awareness of and participation in matters pending before the House. Such distribution shall be made upon release of a bill for committee consideration or upon the date of first reading, whichever is earlier.

101.2 This rule does not apply to bills filed in the name of the Committee on Rules and Legislative Procedures.

102. Authorized Copies. The printing and other contractors shall work under the direction of the Speaker and no bill in the possession of the House shall be printed for any member or other person without the express approval of the Speaker.

103. Release of Information Concerning Printing and Computing.

103.1 Neither the printing nor other contractors, nor any subcontractor shall release information concerning bills, their progress or the work thereon to any person not authorized by the Speaker to receive such information.

103.2 A procedure shall be developed under the direction of the Speaker for informing authors or sponsors about printing of their bills.

B. FILING, INTRODUCTION, FIRST READING, COMMITTEE ASSIGNMENT

104. Time to File. On or after the first meeting day of a regular or special session, any member may file a bill with the Clerk for introduction. Filing shall not be later than 2:00 p.m. the day prior to introduction and first reading.

105. Preconditions for Filing. No member may file a bill for introduction, except the budget bills, unless:

105.1 it has previously been submitted to the Legislative Services Agency for the purpose of checking as to form; and

105.2 the subject matter is clearly set forth both in the title and the body of the bill.

106. Names of Author and Coauthors.

106.1 Every bill filed shall include the name or names of the member or members offering it and shall be delivered in person or by certified mail to the Clerk's office. There may be no more than three (3) coauthors or cosponsors of a bill.

106.2 This rule does not apply to bills filed for the Committee on Rules and Legislative Procedures under Rule 107. The Committee on Rules and Legislative Procedures shall be considered the author of such bills at the time of filing.

107. Vehicle Bills. On the fifth meeting day in January, twenty-five (25) bills shall be filed in the name of the Committee on

Rules and Legislative Procedures. Rule 105 and the time limits of Rule 113 do not apply to such bills.

108. Deadline for Filing.

108.1 During the first regular session of any term of the General Assembly, no bill may be filed for introduction later than 2:00 p.m. on the fourth meeting day in January without the consent of a two-thirds majority of the members elected.

108.2 During the second regular session of any term of the General Assembly, no bill may be filed for introduction later than 2:00 p.m. on the fourth meeting day in January without consent of a two-thirds majority.

108.3 This rule does not apply to bills filed in the name of the Committee on Rules and Legislative Procedures under Rule 107.

109. Bill Limit.

109.1 During the second regular session, each member shall be permitted to file for introduction no more than five bills.

109.2 This rule does not apply to bills filed in the name of the Committee on Rules and Legislative Procedures under Rule 107.

110. Numbering. The Clerk shall date and number each bill consecutively in the order received, commencing with the number 1001, and joint resolutions consecutively, commencing with the number 1. The number a bill takes when introduced by a member is only for convenience in filing and for reference; it is no part of the bill or act itself.

111. Withdrawal. Any bill may be withdrawn prior to first reading by the author upon written request to the Clerk and the records shall show such bill as having been withdrawn.

112. Effect of Loss of Author. A bill filed by a member whose office becomes vacant before the bill is first read shall be introduced and read a first time in the name of the first named coauthor. If there is no coauthor, the records shall show that the bill was withdrawn before first reading.

113. Referral to Committee. The Speaker shall refer each bill to a committee within ten (10) calendar days after filing unless committees have not been appointed, in which case they shall be referred within ten (10) calendar days after the appointment of the committees. The Speaker shall cause the committee referral to be indicated on the list of bills filed, and cause the list to be distributed to the members.

114. Claims Against the State. All claims against the State which must be first presented in the House shall be referred to the Committee on Ways and Means before being referred to any other committee.

115. Introduction and First Reading. The reading of each bill by number, title and author and committee reference shall be the introduction and first reading. The first reading of a bill is for information.

116. Rejection or Assignment to Committee. If a member objects to a bill on first reading the question shall be: "Shall the bill be rejected?" If the question to reject is defeated, the bill shall be referred to a committee.

C. AMENDMENTS

117.1. Copies. There shall be made one copy on the House computer network in a format specified by the Speaker and one original and that number of additional paper copies specified of all amendments and committee reports. The copies shall be distributed to those persons as the Speaker shall designate with a view towards improving the legislative process and encouraging public awareness of and participation in matters pending before the House.

117.2. Floor Amendments to Bills. No amendment may be offered to a bill on second reading unless such amendment shall have been reduced to writing, saved in a computer format specified by the Speaker, filed with the Clerk and time-stamped at least two (2) hours prior to the convening of the session on the day on which the bill is called for second reading. A paper copy of each timely filed

amendment shall be distributed to all members as soon as practicable and made available on the House computer network as soon as practicable.

118. Substituting Another Bill. No bill may be amended by annexing to it or incorporating with it any other bill pending before the House.

119. Substituting Different Subject Matter—House Bill.

119.1 No amendment proposed to a House bill substituting therein a different subject matter may be accepted, unless accompanied by the written consent of its author and coauthors.

119.2 The House shall reject all House bills that have been amended in the Senate by substituting therein the contents of a different bill or a different subject matter without having first received the written consent of its author and coauthors.

120. Substituting Different Subject Matter—Senate Bill. No House amendment proposed to a Senate bill substituting therein the contents of a different bill or a different subject matter may be accepted unless it is accompanied by the written consent of the author, coauthors, sponsor and cosponsors.

121. Effect of Tabling. If a motion to lay proposed amendments on the table prevails, it shall not affect the general subject to which the amendments are offered.

122. Appended to Bill. The text of all committee and floor amendments to a bill shall be appended to each printing of that bill, unless otherwise ordered by the House.

D. COMMITTEE MEETINGS, CONSIDERATIONS, REPORTS

123. Record of Committee Vote. The vote of the committee shall be placed on the bill.

124. Approval of Digest. When a bill is reported out of committee, it shall be submitted to the House attorney for approval or revision of the digest, as appropriate.

125. Committee Reports. A committee to which a bill has been referred may report thereon with or without amendments.

126. Effect of Motion to Postpone or Table. If a majority of the committee members present at a committee meeting vote to table or to postpone a bill indefinitely, the decision of the committee shall not be reported to the House.

127. House Action on Committee Reports. The report, with amendments, if any, shall be acted upon by the House upon its submission. Any bill with an annual fiscal impact to the State in excess of \$50,000 may be referred by the Speaker to and reported by the Committee on Ways and Means before it is eligible for second reading.

128. Minority Reports. Any member of a committee reporting who voted against adoption of the committee report may submit a separate report which shall be filed with the committee report and shall be a minority report. In the event a minority report is submitted, the report adopted by the recorded vote of a majority of the committee members present at a duly constituted meeting of the committee shall be the majority report. A minority report duly filed with the Clerk for action by the House shall be voted upon before the majority report and, upon adoption, becomes the committee report. If the minority report is rejected, the House shall then act upon the majority report.

129. First Printing—Form. Every bill reported favorably by a committee, and other bills as directed by the House, shall be printed for the first time in bill form with the pages and lines numbered.

130. First Printing—Laid on Desks. After a bill is printed for the first time it shall be laid upon the desks of the members and shall be made available on the House computer network as soon as practicable.

131. Emphasize Amendments.

131.1 Whenever a bill proposing to amend the Constitution or any statute is printed, the text of the bill shall reflect each proposed change from the text of the Constitution or

statute. This shall be accomplished by the use of bold face type to indicate the addition of new material and cancelled type to indicate the deletion of existing material.

- 131.2 Capitalization or punctuation changes made solely for the purpose of uniform style need not be indicated.

132. Type Face. No special type faces shall be used in the printed bill to indicate the occurrence of committee or floor amendments; instead, except as provided in Rule 131 the printing shall set forth the clean text of the bill as it appears after the committee and floor amendments have been implemented.

E. SECOND READING

141. Calendar of Bills. The Speaker shall, insofar as is practical, make up a daily calendar of all bills and resolutions which are due to be handed down for action either on second or third reading on the next meeting day. The calendar shall be laid upon the desks of the members as soon as practicable after adjournment, promptly posted in the hall, and made available on the House computer network.

142. Eligibility. A bill is eligible for its second reading on the second calendar day following distribution to the members.

143. Calling Down on Second Reading. When the time for second readings arrives, each member who is an author or sponsor of a bill shall be entitled to call down a bill for consideration by the House. A coauthor or cosponsor may call down a bill with the written consent of the author or sponsor. When the bill is called, the Speaker shall hand down the bill to be read and then state that the bill is ready for amendment, recommitment or engrossment.

144. Engrossment—Reprinting. All bills ordered to be engrossed shall be executed in typewritten or printed form and made available on the House computer network. Whenever a bill is amended on second reading, it shall be reprinted, unless at the discretion of the Speaker or by motion adopted, it is otherwise ordered. If the bill is reprinted, the reprinted bill shall be used for the engrossed bill, and if the bill is not reprinted the amendments shall be engrossed to the bill.

145. Engrossment—Supervision. Bills when ordered to engrossment shall be engrossed under the direction of the Speaker and the Committee on Rules and Legislative Procedures. It is the duty of the Committee on Rules and Legislative Procedures to carefully compare the engrossed bills with the original bills and ascertain whether they have in all respects been accurately and correctly engrossed; if that committee ascertains any mistake, it shall be corrected under the committee's direction.

F. THIRD READING

146. Eligibility.

146.1 No bill shall be considered on third reading on the same meeting day that it passed to engrossment except on motion adopted pursuant to Rule 83.

146.2 The Speaker shall make a daily calendar of bills eligible for third reading.

146.3 When the time for third reading arrives, each member who is an author or sponsor of a bill shall be entitled to call down a bill for consideration by the House. A coauthor or cosponsor may call down a bill with the written consent of the author or sponsor. When the bill is called, the Speaker shall hand down the bill, state that it is on its passage and allow the author or sponsor to begin the debate.

147. Deadline for House Bills.

147.1 During the first regular session, no House bill shall be eligible for consideration on third reading after March 4.

147.2 During the second regular session, no House bill shall be eligible for consideration on third reading after February 5.

147.3 Upon recommendation of the Committee on Rules and Legislative Procedures, this rule may be suspended as to a specific bill by the approval of a constitutional majority.

148. Deadline for Senate Bills.

148.1 During the first regular session, no Senate bill shall be eligible for consideration on third reading after April 14.

148.2 During the second regular session, no Senate bill shall be eligible for consideration on third reading after March 4.

148.3 Upon recommendation of the Committee on Rules and Legislative Procedures, this rule may be suspended as to a specific bill by the approval of a constitutional majority.

149. Amendments. After a bill has been engrossed and ordered to third reading, it may not be amended except by unanimous consent, but, upon motion of the author or sponsor, it may be recommitted to a committee of one with special instructions to amend by a two-thirds vote. In case any bill is amended after engrossment, the question may again be put on the engrossment of the bill.

149.1. No bill shall be eligible for third reading that specifically exempts the House, its members, staff and employees from laws applicable to the public at large.

150. Right to Close. The author or sponsor of a bill has a right to fifteen (15) minutes of time to close the debate upon it when it has reached its third reading. The right secured by this rule shall not be impaired, even after a demand for the previous question.

151. Final Passage—Majority but Not a Constitutional Majority. When a bill on its final passage receives a majority of the votes cast, but not a constitutional majority, the bill shall not be considered lost. When the third reading of the bill is in order any member who voted with the majority or who did not vote at all may, by motion adopted by a majority vote, reconsider the bill; and the House shall take another vote thereon. Any number of votes may be taken in such cases by the House.

152. Final Passage—Tie Vote. When a bill on its final passage receives the same number of votes cast against it as for it, the bill shall not be considered lost; it may, when the third reading of bills is in order, be reconsidered upon the motion of any member.

153. Final Passage—More (But Less Than 51) Votes Against Than For. When a bill on its final passage receives more votes against than for it, but less than a constitutional majority, it may be considered under the provisions of Rule 95.

154. Final Passage—51 or More Votes Against.

154.1 Whenever a bill on its passage receives fifty-one (51) votes or more against its passage, the bill, as well as the subject matter of the bill, is decisively defeated, and neither the question nor any bill, conference committee report, or amendment on the same subject matter may be considered again during the session. However, the decisive defeat of a House bill does not prevent later consideration of or action upon a Senate bill on the same subject matter.

154.2 This rule does not apply to budget bills or state revenue raising measures.

155. Record of Vote on Final Passage. The vote on final passage shall be placed on the bill.

G. CONFERENCE COMMITTEES

156. Meetings.

156.1 Each conference committee on House bills shall be open to the public, shall be held in the State House and shall convene only after at least two hours public notice. The notice shall include:

- (a) the bill number and subject matter of the bill or bills to be considered;
- (b) the time, day, date, and place of meeting;
- (c) the members of the conference committee; and
- (d) the chair of the conference committee.

156.2 It is the responsibility of the chair of the conference committee to advise the office of the Majority Caucus Chair of the holding of a conference committee meeting and to provide that office with the information set forth in paragraph 156.1.

156.3 Notice of conference committee meetings including all information set forth in paragraph 156.1 shall be posted prominently on the House bulletin board located outside the hall for no less than two hours before the meeting.

157. Filing of Reports. No conference committee report shall be referred to the House until it has been approved as to form by the House attorney and filed with the Clerk.

158. Amended Digest. When a conference committee report is filed, an amended digest indicating the changes made shall also be filed.

159. Title Amendments. Conference committee reports requiring title amendments shall be stamped "Title Amendment."

160. Deadline.

160.1 In the first regular session, no conference committee report is eligible for consideration after April 14.

160.2 In the second regular session, no conference committee report is eligible for consideration after March 4.

160.3 Upon recommendation of the Committee on Rules and Legislative Procedures, this rule may be suspended as to a specific bill by the approval of a constitutional majority.

161. Placed on Members' Desks. All reports of conference committees for adjustment of differences between the House and Senate together with a digest of the bill shall be filed with the Clerk, reproduced, placed on each member's desk, and made available on the House computer network as soon as practicable.

162. Time on Members' Desks.

162.1 During the first regular session, conference reports shall be laid over for twenty-four (24) hours after filing.

162.2 During the second regular session, such reports shall be laid over for twenty-four (24) hours after filing.

162.3 Such reports shall then be read in their entirety again and placed before the House for action.

H. ENROLLMENT

163. Copy Furnished to Author. A copy of each enrolled act shall be furnished to the author of the act at the time he signs it to certify its accuracy.

Motion prevailed; the Rules were adopted.

HOUSE MOTION

Mr. Speaker: I move that the Joint Rules of the Senate and House of Representatives as shown in Exhibit A which is attached hereto and made a part hereof be hereby adopted as the Joint Rules of the 113th Indiana General Assembly, and that a committee of four members of this House be appointed by the Speaker, who, together with the Speaker, shall constitute the Committee on Joint Rules and who shall confer with a like committee of the Senate to formulate any additions to or changes in the Joint Rules of the two Houses, which, in their discretion, may be necessary or desirable, and that the Principal Clerk is hereby instructed to inform the Senate of this action.

STILWELL

JOINT RULES FOR CONDUCTING BUSINESS IN THE TWO HOUSES OF THE GENERAL ASSEMBLY OF THE STATE OF INDIANA

1. After a bill or resolution has passed one house and before it shall be transmitted to the other house for further action, it shall be the duty of the author to furnish to the clerk of the house of origin a card bearing the name of the party selected as sponsor in the other house, which card shall be attached to the bill and transmitted therewith.

2. (a) After a bill or joint resolution shall have passed both houses it shall be duly enrolled on paper, and the clerk of the house where it originated shall certify over his or her signature upon the back thereof the house in which it originated, the dates upon which it passed the House and Senate, respectively, and the number of votes cast for and against it in each house.

(b) Every enrolled bill or joint resolution shall be printed in enrolled act form. The session of the General Assembly shall be indicated on the face of such printed enrollment. In the case of enrolled bills proposing to amend any then existing Indiana statute, the text shall reflect any change from the text of the then existing

statute. This shall be accomplished by the use of bold face type to indicate the addition of new material to the text of the then existing statute, and cancelled type to indicate the deletion of existing material.

3. Every bill or joint resolution, after having been enrolled, shall be examined by the Committee on Rules and Legislative Procedures of the house in which it originated, which shall compare the enrolled copy with the engrossed copy, or cause the author thereof to do so, taking special care that the engrossed amendments adopted by either house, if any there be, shall have been properly incorporated in said enrolled copy and shall report in writing to said house any errors therein. In addition to the three official copies of each enrolled bill, there shall be printed on writing paper one hundred copies, excepting, however, the general appropriation bill, which shall be delivered to the Public Law Division of the Legislative Services Agency for the use of the public.

4. (a) Every bill or joint resolution reported to have been duly enrolled shall be signed first by the Speaker of the House of Representatives, who shall send the same to the Senate; then by the President of the Senate, after which it shall be presented by the Secretary of the Senate or the Clerk of the House of Representatives to the Governor for his signature.

(b) Except as provided in this rule, all bills and joint resolutions shall be signed by the Speaker of the House of Representatives and the President of the Senate, in their houses respectively, when in session.

(c) During a recess period, the Speaker and the President of the Senate may sign bills and resolutions in their respective offices. A list of the bills and resolutions signed during any recess shall be read immediately upon the reconvening of each house.

5. A record of all bills and resolutions signed, whether in session or during a recess, shall be kept in the Journals of each house.

6. When any paper or papers, proper to be acted upon by both houses, shall come before either, the house before which such paper or papers are laid shall, after acting thereupon, lay it or them before the other house.

7. (a) In every case of an amendment of a bill agreed to in one house, and dissented to in the other, either house may request a conference and appoint a committee for that purpose; the other house may also appoint a committee. A conference committee shall consist of two members from each house; one member from the house in which the bill or resolution originated shall be named as chairman by the appointing authority of the house of origination.

(b) Conferees shall state to each other verbally or in writing, as either shall choose, the reason of their respective houses for and against the amendment, and confer freely thereon and report to each house their proceedings thereon. Meetings of conference committees shall be held at a convenient hour agreed upon by the conferees and shall be open to the public, whenever feasible, in which event, notice shall be posted before such meeting in accordance with the rules of the house in which the bill originated. It is the intent of this joint rule to provide public access to the legislative process without hindering, intimidating or disrupting that process.

8. In all cases where the Doorkeeper of one house shall, by reason of official engagement, or other causes, be unable to execute the commands or process of the house of which he is an officer, it shall be the duty of the Doorkeeper of the other house to execute such commands, together with such process as may be directed to him by the presiding officer thereof.

9. A joint standing committee to be called the Committee on Joint Rules shall be appointed, to consist of four Senators, not more than two of whom shall be from the same political party, four Representatives, not more than two of whom shall be from the same political party, and the Speaker of the House of Representatives and the President Pro Tempore of the Senate, which last two officers shall be ex officio members of the Committee.

10. All joint conventions shall be held in the hall of the House of Representatives unless a different place shall be designated in the resolution by which such joint convention is convened. All such joint conventions shall be presided over by the President of the Senate, or

if for any reason the President of the Senate be absent or decline to preside, then the President Pro Tempore of the Senate shall preside.

11. In all joint conventions and joint meetings of the two houses no business shall be transacted other than that for which they were assembled.

12. When a message is sent to the Senate or to the House of Representatives, it shall be delivered in writing to the Secretary of the Senate or the Clerk of the House, who shall deliver such message to the Chair.

13. Messages shall be sent by such persons as the President Pro Tempore of the Senate or Speaker of the House may designate for that purpose.

14. When bills which have passed one house are ordered to be printed in the other, a greater number of copies shall not be printed than may be necessary for the use of the house making the order.

15. When the Governor has informed either house of the General Assembly that he has signed a bill or joint resolution, or taken any other action affecting both houses of the General Assembly, the house to which his action is reported shall inform the other house of the General Assembly of the Governor's report.

16. Any proposed amendments to these rules shall be referred to the Committee on Joint Rules.

17. The Secretary of the Senate and the Clerk of the House of Representatives shall at the time of delivery of the enrolled acts and resolutions for the signature of the presiding officer leave with the minute clerk a copy of a written message setting out the numbers of the enrolled acts or resolutions so submitted.

18. A motion to recess for more than three days shall be deemed to have failed unless approved by a majority of the members elected in each house. Such majority shall be established by roll call vote.

19. The joint rules, upon adoption, shall govern the General Assembly for the term of that General Assembly unless suspended or amended.

20. If:

(1) two bills amending the same section of the Indiana Code are approved in the same session of the General Assembly, and neither bill recognizes the existence of the other;

(2) one bill amends a section of the Indiana Code and another bill repeals that section with an effective date preceding the effective date of the amendment; or

(3) two bills each add a new provision to the Indiana Code at the same code citation without either bill recognizing the addition made by the other and both bills are approved in the same session of the General Assembly;

one of the two bills may be corrected at enrollment to recognize the existence of the other by the Committee on Rules and Legislative Procedures of the House of Representatives and the Committee on Rules and Legislative Procedure of the Senate. However, a correction under this rule is limited to the extent necessary to resolve the technical conflict and may not be made unless the report of each of the two committees includes the written consent of the respective committee's ranking minority member. In addition, the committee report in each house must include the written consent of the corrected bill's author or sponsor, as the case may be, in that house.

21. If a bill is passed which clearly expresses the intent that a SECTION thereof becomes effective on a date other than the standard statutory effective date set forth in the Indiana Code, but does not use the technical emergency provision for such effective date, then the Rules and Legislative Procedures Committee of the House of Representatives and the Rules and Legislative Procedure Committee of the Senate may correct the bill at enrollment to include the technical emergency provision for the expressed effective date. For the correction to be made, each house must adopt a committee report setting forth the correction and containing the written consent of the Chairperson and ranking minority member of the Rules Committee of that house and the author or sponsor of the bill in that house.

Motion prevailed; the Joint Rules were adopted.

HOUSE MOTION

Mr. Speaker: I move that a committee of six members of this House be appointed by the Speaker to notify the Senate that the House of Representatives has met, has formed a quorum, and has organized by the election of the following named officers:

Speaker: B. Patrick Bauer

Principal Clerk: Diane Masariu Carter

and is now prepared to proceed with the legislative business and to receive any communications which the Senate may transmit.

STILWELL

Motion prevailed. The Speaker appointed Representatives Chowning, Dvorak, Pflum, Mays, Stutzman, and LaPlante.

COMMITTEE REPORT

Mr. Speaker: Your committee which was appointed to notify the Senate that the House has met, has formed a quorum, has organized by the election of its officers, and is prepared to proceed with legislative business and to receive any communications which the Senate may transmit, respectfully reports that it has performed the duties assigned.

CHOWNING
DVORAK
PFLUM

STUTZMAN
LaPLANTE
MAYS

Committee of the House

Report adopted.

HOUSE MOTION

Mr. Speaker: I move that a committee of six members of this House be appointed by the Speaker to act with a like committee of the Senate to wait upon the Governor and to notify him of the organization of both Houses of the General Assembly and to inform him that they are ready for the transaction of legislative business.

STILWELL

Motion prevailed. The Speaker appointed Representatives Avery, Liggett, Lytle, Cochran, Bosma, and Richardson.

COMMITTEE REPORT

Mr. Speaker: Your committee appointed to act with a like committee of the Senate to wait upon the Governor, to notify him of the organization of both Houses of the General Assembly, and to inform him that they are ready for the transaction of legislative business, begs leave to report that it has performed the duties assigned.

AVERY
LYTLE
BOSMA

LIGGETT
COCHRAN
RICHARDSON

Committee of the House

Report adopted.

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 1

Representative Bauer introduced House Concurrent Resolution 1:

A CONCURRENT RESOLUTION to allow the Senate and the House of Representatives of the 113th Indiana General Assembly to adjourn and recess separately throughout the First Regular Session for periods in excess of three (3) consecutive days as the need, in the judgment of the President Pro Tempore of the Senate and the Speaker of the House of Representatives, respectively, may arise.

Whereas, The Indiana Senate and the House of Representatives met for the purpose of organization of each House and to conduct the public business of the people of the State of Indiana;

Whereas, The Indiana Senate and the House of Representatives shall operate on their own respective schedules, having been separated from each other pursuant to IC 2-2.1-2(c)(2);

Whereas, During the consideration of legislative business, each House may, in the respective judgment of the President Pro Tempore

of the Senate and the Speaker of the House of Representatives, deem it necessary to adjourn and to recess for periods in excess of three (3) consecutive days and to operate on a schedule different from the other House;

Whereas, Article 4, Section 10 of the Constitution of the State of Indiana states that neither House shall, without consent of the other, adjourn for more than three (3) consecutive days;

Whereas, Each House desires to consent to any adjournment or recess by the other House which might last more than three (3) days during the First Regular Session of the 113th General Assembly;

Whereas, The House of Representatives and the Senate intend to recess after November 19, 2002, and meet again at January 7, 2003, to conduct legislative business: Therefore,

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:*

SECTION 1. That each House of the 113th Indiana General Assembly hereby consents to any adjournment or recess of the other House during the First Regular Session of the 113th Indiana General Assembly for a period in excess of three (3) days, where such recess or adjournment is approved, in the case of the Senate, by the President Pro Tempore of the Senate, or, in the case of the House of Representatives, by the Speaker of the House of Representatives.

SECTION 2. The Principal Clerk of the House of Representatives is directed to inform the Senate of the passage of the resolution.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Garton.

House Concurrent Resolution 2

Representatives Buck, Turner, McClain, Herrell, and Friend introduced House Concurrent Resolution 2:

A CONCURRENT RESOLUTION memorializing Dick Bronson and urging the Indiana department of transportation to name the bridge over Wildcat Creek on State Road 22 in Howard County the Dick Bronson Memorial Bridge.

Whereas, Dick Bronson died of a heart attack, July 7, 2002, in St. Joseph Hospital and Health Center in Kokomo, Indiana, bringing an end to a truly remarkable life;

Whereas, Dick Bronson loved Kokomo and its citizens and celebrated his love of life to the fullest each day, sharing his happiness and touching the lives of everyone he met;

Whereas, Dick Bronson was born November 2, 1941, to Chalmer and Florence Brunner Bronson in Burlington, Indiana;

Whereas, Dick Bronson held many different jobs in his life, including grocery store manager, factory worker, sign painter, truck and school bus driver, restaurant owner, cook, gun runner, pool hall owner, and salesman;

Whereas, In 1969, Dick Bronson began a new career that lasted for the rest of his life: working at radio station WWKI in his beloved Kokomo;

Whereas, While at WWKI, Dick served as a disc jockey for more than 15 years and was co-host of a morning talk show known as "The Male Call" for more than 30 years;

Whereas, Dick Bronson shared the microphone on the morning talk show with Charlie Cropper;

Whereas, Dick Bronson had a huge impact on the people of Kokomo in many ways, but none more than when, in 1973, he helped start the We Care program;

Whereas, The We Care program is a Christmas charity that has helped raise over \$8 million in nearly three decades; Jan Buechler has served and continues to serve as the coordinator of We Care;

Whereas, The idea for the We Care program was given to Dick by a caller to his morning radio talk show who had no money to pay his bills or feed his children;

Whereas, Dick Bronson offered this gentleman half the money that

was in his wallet and then asked the community for donations. It was this incident which served as the motivation for the establishment of the We Care program;

Whereas, In addition to his services on the We Care board of directors, Dick Bronson served on the Crisis Center board, Red Cross board, Automotive Museum board, and the Red Cross Blood Transfer; Dick was never too busy or too tired to come to the aid of someone in need; and

Whereas, Dick Bronson was a tireless promoter for the Kokomo community and never was too busy to help the members of his beloved Kokomo. Dick Bronson was truly a patriot's patriot whose passing has left a void in our hearts and our community that may never be filled: Therefore,

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:*

SECTION 1. That the Indiana General Assembly wishes to express its sincerest condolences to the family of Dick Bronson and to express its gratitude for the many contributions Mr. Bronson made to enrich the lives of his family, friends, and the citizens of Indiana. Mr. Bronson will be missed.

SECTION 2. That the Indiana General Assembly urges the Indiana department of transportation to name the bridge over Wildcat Creek on State Road 22 in Howard County the Dick Bronson Memorial Bridge.

SECTION 3. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to the family of Dick Bronson and the commissioner of the Indiana department of transportation.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Drozda.

House Resolution 1

Representatives Budak and Pelath introduced House Resolution 1:

A HOUSE RESOLUTION to recognize LeAnn Clem and Tamara Houser for their work in the Sexual Assault Response Team Program at the LaPorte Hospital Sexual Assault Center.

Whereas, The Sexual Assault Response Team Program was established in 2000 and was the first program of its kind in LaPorte County;

Whereas, The program ensures that the needs of crime victims are met, by providing for a collaboration between professionals from law enforcement, prosecution, victim's assistance, and the forensic nurses of the Sexual Assault Response Team;

Whereas, The Forensic Nurses of the Sexual Assault Response Team are specifically skilled in medical care, evidence collection, preservation, and identification and documentation of injuries and are on call 24 hours a day;

Whereas, LeAnn and Tamara's discipline, persistent efforts, and exceptional skills are valuable assets to the LaPorte community;

Whereas, Professional accomplishments of this caliber deserve special recognition; and

Whereas, The Sexual Assault Response Team Program provides a necessary and valuable service to the people of LaPorte and surrounding areas, and this program must continue for the benefit of the community: Therefore,

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana:*

SECTION 1. That the Indiana House of Representatives recognizes LeAnn Clem and Tamara Houser for their contribution to the LaPorte community in serving on the Sexual Assault Response Team of LaPorte Hospital.

SECTION 2. That the Principal Clerk of the Indiana House of Representatives transmit a copy of this resolution to LeAnn Clem, Tamara Houser and LaPorte Hospital.

The resolution was read a first time and adopted by voice vote.

OTHER BUSINESS ON THE SPEAKER'S TABLE**HOUSE MOTION**

Mr. Speaker: I move that when we do adjourn, we adjourn until Tuesday, January 7, 2003 at 1:30 p.m.

STILWELL

Motion prevailed.

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the following motion has been adopted:

"I move that Senators Long, Alting, Sipes, and Howard be appointed as a committee of four members of the Senate to notify the House of Representatives that the Senate has met, has formed a quorum, and has organized by the election of the following named officers:

President Pro Tempore: Robert D. Garton

Principal Secretary: Mary C. Mendel

and is now prepared to proceed with legislative business and to receive any communications which the House of Representatives may transmit."

MARY C. MENDEL

Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the following motion has been adopted:

"I move that Senators Zakas, C. Lawson, Hume, and Rogers be appointed as a committee of four members of the Senate to act with a like committee of the House of Representatives to wait upon the Governor and to notify him of the convening of both Houses of the General Assembly and to inform him that they are ready for the transaction of legislative business and to learn from him when it will suit his convenience to submit whatever communication he may have to offer to the General Assembly."

MARY C. MENDEL

Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the following motion has been adopted:

"I move that Senators Harrison, Long, R. Young, and Lewis be appointed as a Committee of the Senate who, together with the President Pro Tempore as ex officio member, shall constitute a Committee on Joint Rules, and who shall confer with a like Committee of the House of Representatives to formulate any additions to or changes in the Joint Rules of the two Houses which, in their discretion, may be necessary or desirable. The Secretary of the Senate is hereby instructed to inform the House of Representatives of this action."

MARY C. MENDEL

Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Senate Concurrent Resolutions 2 and 3 and the same are herewith transmitted to the House for further action.

MARY C. MENDEL

Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed House Concurrent Resolutions 1 and 2 and the same are herewith returned to the House.

MARY C. MENDEL

Principal Secretary of the Senate

On the motion of Representative Kromkowski the House adjourned at 11:55 a.m., this nineteenth day of November, 2002, until Tuesday, January 7, 2003 at 1:30 p.m.

B. PATRICK BAUER

Speaker of the House of Representatives

DIANE MASARIU CARTER

Principal Clerk of the House of Representatives